

MONTANA LEGISLATIVE HISTORY

Chapter 326 19 89

Bill H 251 S _____ Original bill & history C

H. Committee on Business + Economic Development

Hearing Date(s) Jan 24 ☒ C

Jan 25 ☒ C

_____ ☐ C

_____ ☐ C

Date Out Jan 25 ☒ C

S. Committee on Business + Industry

Hearing Date(s) Mar 13 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Mar 13 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HOUSE FINAL STATUS

3/08 HEARING
 3/08 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
 3/09 2ND READING CONCURRED 49 0
 3/11 3RD READING CONCURRED 44 0

 RETURNED TO HOUSE WITH AMENDMENTS
 3/13 2ND READING AMENDMENTS CONCURRED 91 1
 3/14 3RD READING AMENDMENTS CONCURRED 97 0

 3/18 SIGNED BY SPEAKER
 3/20 SIGNED BY PRESIDENT
 3/20 TRANSMITTED TO GOVERNOR
 3/24 SIGNED BY GOVERNOR
 CHAPTER NUMBER 301 EFFECTIVE DATE: 3/24/89

HB 249 INTRODUCED BY GLASER, ET AL.
 CLARIFY THE UNEMPLOYMENT INSURANCE TAX
 CONTRIBUTION APPEALS PROCESS
 BY REQUEST OF DEPARTMENT OF LABOR & INDUSTRY

1/17 INTRODUCED
 1/18 REFERRED TO LABOR & EMPLOYMENT RELATIONS
 1/24 HEARING
 1/25 COMMITTEE REPORT--BILL PASSED
 1/28 2ND READING PASSED 92 0
 1/31 3RD READING PASSED 96 0

 TRANSMITTED TO SENATE
 2/02 REFERRED TO LABOR & EMPLOYMENT RELATIONS
 3/02 HEARING
 3/09 HEARING
 3/10 COMMITTEE REPORT--BILL CONCURRED
 3/11 2ND READING CONCURRED 45 0
 3/14 3RD READING CONCURRED 48 0

 RETURNED TO HOUSE
 3/18 SIGNED BY SPEAKER
 3/20 SIGNED BY PRESIDENT
 3/20 TRANSMITTED TO GOVERNOR
 3/24 SIGNED BY GOVERNOR
 CHAPTER NUMBER 302 EFFECTIVE DATE: 10/01/89

HB 250 INTRODUCED BY EUDAILY, ET AL.
 REVISE THE FEE IN LIEU OF TAX ON BOATS

1/17 INTRODUCED
 1/18 REFERRED TO FISH & GAME
 1/18 REREFERRED TO TAXATION
 1/19 FISCAL NOTE REQUESTED
 1/26 FISCAL NOTE RECEIVED
 1/28 FISCAL NOTE PRINTED
 2/01 HEARING
 3/16 TABLED IN COMMITTEE

HB 251 INTRODUCED BY SWYSGOOD, ET AL.
 CLARIFY FILING OF UNIFORM COMMERCIAL CODE FINANCING
 STATEMENT FOR FARM PRODUCTS

1/17 INTRODUCED
 1/18 REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT

HOUSE FINAL STATUS

1/24	HEARING		
1/26	COMMITTEE REPORT--BILL PASSED		
1/28	2ND READING PASSED AS AMENDED	92	2
1/31	3RD READING PASSED	95	2

	TRANSMITTED TO SENATE		
2/02	REFERRED TO BUSINESS & INDUSTRY		
3/13	HEARING		
3/13	COMMITTEE REPORT--BILL CONCURRED		
3/14	2ND READING CONCURRED	49	0
3/16	3RD READING CONCURRED	48	0

	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/22	SIGNED BY PRESIDENT		
3/22	TRANSMITTED TO GOVERNOR		
3/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 326	EFFECTIVE DATE:	10/01/89

HB 252 INTRODUCED BY SPRING, ET AL.
CHANGE ACCREDITING AUTHORITY FOR SCHOOLS OF
ACUPUNCTURE
BY REQUEST OF DEPARTMENT OF COMMERCE

1/17	INTRODUCED		
1/18	REFERRED TO HUMAN SERVICES & AGING		
1/23	HEARING		
1/24	COMMITTEE REPORT--BILL PASSED		
1/26	2ND READING PASSED	96	0
1/28	3RD READING PASSED	91	1

	TRANSMITTED TO SENATE		
1/30	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/10	HEARING		
3/11	COMMITTEE REPORT--BILL CONCURRED		
3/13	2ND READING CONCURRED	49	0
3/15	3RD READING CONCURRED	47	0

	RETURNED TO HOUSE		
3/21	SIGNED BY SPEAKER		
3/21	SIGNED BY PRESIDENT		
3/22	TRANSMITTED TO GOVERNOR		
3/27	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 327	EFFECTIVE DATE:	10/01/89

HB 253 INTRODUCED BY SPRING, ET AL.
REVISE DEFINITION OF "UNPROFESSIONAL CONDUCT" FOR
MEDICINE
BY REQUEST OF DEPARTMENT OF COMMERCE

1/17	INTRODUCED		
1/18	REFERRED TO HUMAN SERVICES & AGING		
1/25	HEARING		
2/11	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/14	2ND READING PASSED	91	1
2/16	3RD READING PASSED	97	1

	TRANSMITTED TO SENATE		
2/17	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/10	HEARING		

Testimony: For Mr. Jewell's testimony see exhibit 1.

Mr. McGlenn stated that his association has done extensive research on this because of Rep. Menahan's bill. Mr. McGlenn had written testimony, see exhibit 2.

Mr. Asherbran said his company is opposed to this bill and request a do not pass.

Ms. Terrell's and Ms. Tippy's associations both oppose this bill and request a do not pass.

Mr. Phillips stated that his association also oppose this bill as it would create an actuarial nightmare as there are no actuarial experience to handle this type of underwriting.

Questions From Committee Members: The committee had a few questions which were answered by Mr. McGlenn.

Closing by Sponsor: Rep. Menahan stated that we should be able to buy this type of insurance. I tried to buy this type of insurance and there are a couple of companies that write driver's insurance. Your agent will have to find a broker someplace that will find you a company that will do this. I have gone through this in the past and know this to be true.

DISPOSITION OF HOUSE BILL 221

Motion: None

Discussion: There was no action taken, executive action will be on January 25, 1989.

Amendments and Votes: None

Recommendation and Vote: None

HEARING ON HOUSE BILL 251

Presentation and Opening Statement by Sponsor: Rep. Swysgood stated that this bill is an act to clarify the real estate description requisite of the uniform commercial code financing statement covering farm property. In order to file a lien you have to have the legal description of the land attached to the lien.

List of Testifying Proponents and What Group They Represent:

George Bennett, Montana Bankers Association

Tim Gill, President, Montana Livestock Ag. Credit, Inc.

List of Testifying Opponents and What Group They Represent:

None

Testimony: For Mr. Gill's testimony, see exhibit 1. Mr. Bennett stated that MBA supports this bill.

Questions From Committee Members: Representative Simon and Wallin had questions which were answered by Mr. Bennett and Rep. Swysgood.

Closing by Sponsor: Rep. Swysgood stated that HB 251 was a simple bill in the fact that it is trying to alleviate a lot of paper work not only by the person wanting to secure a loan but also by the facility granting the loan. It will make things a lot simpler for all people involved.

DISPOSITION OF HOUSE BILL 251

Motion: None

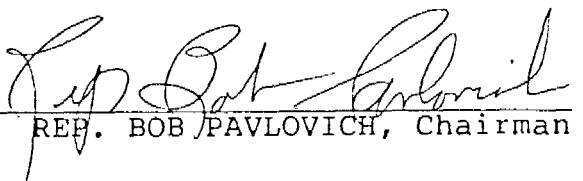
Discussion: There was no action today, executive action on the bill will be January 25, 1989.

Amendments and Votes: None

Recommendation and Vote: None

ADJOURNMENT

Adjournment At: 11:00 a.m.


REP. BOB PAVLOVICH, Chairman

BP/sp

2003.min

HOUSE BILL 251

Motion: Rep. Keller moved DO PASS.

Discussion: None

Amendments & Vote: None

Recommendations & Vote: DO PASS motion was approved
unanimously.

HOUSE BILL 221

Motion: Rep. Thomas moved to table.

Discussion: The motion to table HB 221 failed on a 6 - 10
vote.

Motion: Rep. Wallin moved DO NOT PASS.

Discussion: Rep. Thomas stated that this is not a partisan
issue whatsoever. This is something that will not work
in Montana right now. If California did it, you would
have a great block of motor vehicles on which to base
rates.

Amendments & Vote: None

Recommendation & Vote: DO NOT PASS motion was approved by
12 - 4 vote.

HOUSE BILL 222

Motion: Rep. Thomas moved DO PASS.

Discussion: Rep. Thomas asked Paul if the fine language was
struck, if that would that eliminate the bill.

Rep. Hansen moved a substitute motion of DO NOT PASS.

Rep. Kilpatrick stated that if you refuse to issue, renew,
suspend, or revoke the license of a barber shop this
will put them out of business. A fine of \$500 will
hurt, but they still have a business. He likes the
idea of a fine, you give them a fine but do not take
their business away.

Rep. Johnson said we have had a number of these bills and
there will probably be more come. This bill gives the
board the ability to do more than a slap on the wrist,
they don't want to take the license for a small
infraction. You have to place trust in the inspectors,

DAILY ROLL CALL

BUSINESS & ECONOMIC DEVELOPMENT COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 1 25 89

NAME	PRESENT	ABSENT	EXCUSED
PAVLOVICH, BOB	✓		
DeMARS, GENE	✓		
BACHINI, BOB	✓		
BLOTKAMP, ROB	✓		
HANSEN, STELLA JEAN	✓		
JOHNSON, JOHN	✓		
KILPATRICK, TOM	✓		
McCORMICK, LLOYD "MAC"	✓		
STEPPLER, DON	✓		
GLASER, BILL	✓		
KELLER, VERNON	✓		
NELSON, THOMAS	✓		
SIMON, BRUCE	✓		
SMITH, CLYDE	✓		
THOMAS, FRED	✓		
WALLIN, NORM	✓		
PAUL VERDON	✓		

ROLL CALL VOTE

BUSINESS & ECONOMIC DEVELOPMENT

COMMITTEE

DATE 1/25/89

BILL NO. HB 351

NUMBER _____

[illegible]

TALLY

26

Sue Pennington
Secretary

Bob Pavlovich
Chairman

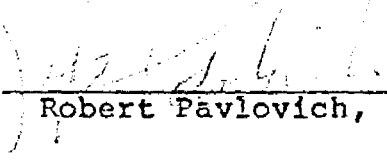
MOTION: Do pass

STANDING COMMITTEE REPORT

January 25, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 251 (first reading copy -- white) do pass .

Signed: 

Robert Pavlovich, Chairman

of the amendments. She said she would appreciate it if the legislation could be cleaned up, as it had been caught in the transmittal crunch and they had not been able to give it thorough work in the House. She said she had told the House she would try to get the bill fixed up in the Senate, or we would kill it.

DISPOSITION OF HOUSE BILL 669

Discussion: Chairman Thayer said he had only spoken to the sponsor briefly before the hearing, and he felt everyone but the one gentleman has expressed a need for a subcommittee. He said the bill would certainly have to go to a subcommittee before the committee could take any action. He asked if anyone would be willing to serve on the subcommittee?

Senator Hager, Senator Noble, and Senator Noble volunteered to act on the subcommittee, and Chairman Thayer asked Senator Hager to chair the subcommittee.

Chairman Thayer reminded them there was coordination language needed between HB 225 and HB 669.

Senator Hager told Chairman Thayer he would ask President Galt if they could get a time extension, to allow the needed work on HB 669.

Amendments and Votes: None

Recommendation and Vote: Senator Weeding said he would suggest a subcommittee be appointed to work on HB 669.

HEARING ON HOUSE BILL 251

Presentation and Opening Statement by Sponsor:

Representative Swysgood, House District 73, said HB 251 was an act to clarify the real estate description requisite of a uniform commercial code financing statement covering farm products; and amended certain sections. He stated HB 251 was simply a clarification, and Exhibit #7 referred to page 4, lines 20 through 25 of the second reading copy of the bill, and would not refer to page 2, lines 22 through 25. He said the purpose of the bill was to clarify that a financing statement covering farm products did not have to contain a legal description of the land upon which the products were grown. He said the bill provided for a "reasonable description", such as a statement naming

the county or counties where the products were growing or were to be grown. He said the bill would make it easier for ag lenders, suppliers, farmers, ranchers, and the Secretary of State to file liens, by eliminating the lengthy descriptions previously required. He said it met the needs of the Federal Food Security Act's central ag lien filing system.

List of Testifying Proponents and What Group They Represent:

Bill Leary - Montana Bankers Association

List of Testifying Opponents and What Group They Represent:

None

Testimony: Bill Leary said they were appearing in support of HB 251. He said there was little he could add, but they would be available to answer any questions.

Questions From Committee Members: Chairman Thayer asked what had brought the bill about? Representative Swysgood said everything was currently filed on computers, and it took a lot of paper to enter the entire description of land, and this bill didn't mandate, but allowed an option for an easier more convenient form of filing. He said that with the advent of so many people leasing ground, it was felt it may be difficult to obtain the correct legal description of the land, which wasn't really necessary.

Representative Swysgood told Senator Weeding the bill only pertained to crops growing or grown. He said no real estate was intended.

Chairman Thayer asked why the language to be grown was included, and why they weren't just dealing with one crop at a time? He asked what limitations there were for the amount of time this projected into the future? Mr. Leary said that crop liens were taken out on winter wheat which had already been planted, or a lien could be taken on a crop that was to be planted in the spring. He said it was just a matter of clarifying crop type. He said he did not have an answer as to how far in the future, but it seemed to be the common language which had been utilized in liens.

Closing by Sponsor: Representative Swysgood said the bill was basically rather simple, and just precluded the necessity of having the lengthy description to take a lien on land. He said he felt it would be less

expensive and more convenient for all parties concerned.

DISPOSITION OF HOUSE BILL 251

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Lynch made a motion HB 251 BE CONCURRED IN. Senator Meyer seconded the motion. The motion Carried Unanimously. Senator Weeding carried the bill on the Senate floor.

HEARING ON HOUSE BILL 434

Presentation and Opening Statement by Sponsor:

Representative Rice, House District 43, said HB 434 addressed a problem which resulted from the recent changes in the telephone industry. He said the bill simply established that service agreements to provide maintenance for inside telephone wire, and was not insurance. He stated that if company A installed the telephone wire in your house and they also agreed to maintain the wiring, that was a simple service agreement which did not create a problem. However, if company A installed the wiring and you agreed with company B to maintain that wiring, according to a recent ruling from the insurance commissioner, that was insurance. He said there was a resulting regulation and a cost in complying with the insurance laws which company B must then go through. He said the result had been that companies in the company B position were refusing to undertake the cost of the paperwork to comply with the insurance laws of Montana.

He said consumer confusion had arisen as to why one company would do the maintenance, and another would not. He said consumers didn't really know who had installed the telephone wiring in their house. He said the bill would eliminate that confusion, and make the inside wiring maintenance more widely available.

List of Testifying Proponents and What Group They Represent:

Barry Hjort - U.S. West Direct Communications

ROLL CALL

BUSINESS & INDUSTRY COMMITTEE

DATE 3/13

51st LEGISLATIVE SESSION 1989

NAME	PRESENT	ABSENT	EXCUSED
<u>SENATOR DARRYL MEYER</u>	✓		
<u>SENATOR PAUL BOYLAN</u>	✓		
<u>SENATOR JERRY NOBLE</u>	✓		
<u>SENATOR BOB WILLIAMS</u>	✓		
<u>SENATOR TOM HAGER</u>	✓		
<u>SENATOR HARRY MC LANE</u>	✓		
<u>SENATOR CECIL WEEDING</u>		✓	
<u>SENATOR JOHN "J.D." LYNCH</u>	✓		
<u>SENATOR GENE THAYER</u>	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 13, 1989

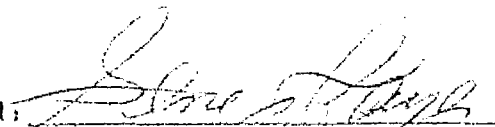
MR. PRESIDENT:

We, your committee on Business and Industry, having had under consideration HB 251 (third reading copy -- blue), respectfully report that HB 251 be concurred in.

Sponsor: Swysgood (Weeding)

BE CONCURRED IN

Signed:


Gene Thayer, Chairman

4/10/89
3/13/89
5:30 p.m.

TESTIMONY FOR HB 251

SENATE BUSINESS & INDUSTRY
EXHIBIT NO. 7
DATE 3/13/89
BILL NO. HB251

Senate Business & Industry Committee

10:00 a.m., Monday
March 13, 1989

Mr. Chairman & Members of the Committee:

When an ag lender, such as a bank, makes a loan to a farmer to plant a crop for that year, the bank files a lien against the crop with the Secretary of State to protect the loan. There has been debate between attorney's over the necessity of filing a legal description of the real estate where crops are produced.

HB-251 simply makes it clear on page 1, lines 21-24, by removing language that requires a legal description. On page 4, lines 20-25, it also says a legal description is not necessary and only the county in which the farm products are produced or located is satisfactory. This is also adequate for the Federal Food Security Act under which the state's centralized ag lien filing system is certified and approved.

Retailers such as seed, chemical, fertilizer and fuel dealers who also sell products and services to farmers have difficulty finding ready access to legal descriptions of the farm when filing a lien. It is much simpler to write on the ag lien "crops grown located on John Doe's farm in Beaverhead County."

This is simply a house cleaning bill which will make it easier for ag lenders and suppliers, farmers and ranchers, and the Secretary of State's office.

Thank you.

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
W Larson	Acad. Bldg. Mt	669	X	
WOLCOTT, JR	WOLCOTT & ASSOCIATES, INC	669		X
George Estel	Employee Benefit Plans	669	X	
Mike Young	CCA Bldg. & Misc	HB 669	✓	
Bob Morawiec	Mt. Chamber	HB 669	✓	
GERALD M. GLENN	TIAM	HJR-5		X
THOMAS A. GRAU	CENTURY INSURANCE AGENCY	HJR 5		X
IM T. TWILCEL	MT. CHAMBER COM	HJR 5		X
THAN CADBY	MT BANKERS	HB 251	X	
IRK HISSER	INTERMOUNTAIN ADMIN. INC.	HB 669		X
Reg. Tjany	Mount-Dental Assn.	HB 669	X	
HIP EDMANN	MT United School Trust	HB 669		X
Barry Bailey	MT Uniform School Trust	HB 669		X
Barry L. HORT	US West Comm.	HB 434	X	
Bill LEARY	MT. Bankers Assn.	HB 251	X	
Regulene Verrell	Amer. Ins. Assoc.	HJR 5		X
"	"	HB 434	X	
Barry Tjany	Alliance of Am Insurers	HJR 5		X
and Luckren, Jr.	Mt. Contractors Health Care	669	X	
Barry Tjany	Washington Corporation	669	X	
Michael S. Sherwood	MTLA	HJR 5	X	
Indon Morris	MACU	669		X
Barry Tjany	Mt Chamber of Commerce	669	X	
LARRY AKET	PIT ASSOC OF LIFE UNDERWRITERS	HJR 5		X
DONALD MURRAY (for Gene Phillips)	Northwestern Telephone Systems National Ass'n Independ. Insurers	HB 434	X	
DONALD MURRAY (for Gene Phillips)	Natl. Ass'n. Independ. Insurers	HJR 5		X